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ABSTRACT

This discussion focuses on different views of professionals concerning access of parents and children to one another in the context of divorce. Problems associated with access, children's reactions to parental separation, age-related reactions of children to parental absence, effects of access disputes, why children say what they say in access disputes, and how access arrangements are worked out, are discussed. Concluding remarks describe arrangements suitable for children of differing ages: babies and infants, preschool children, school-age children, and adolescents. Seventeen related references are appended. (RH)

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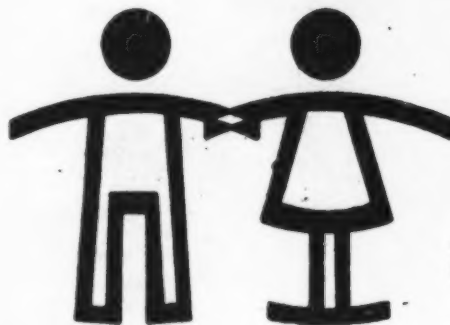
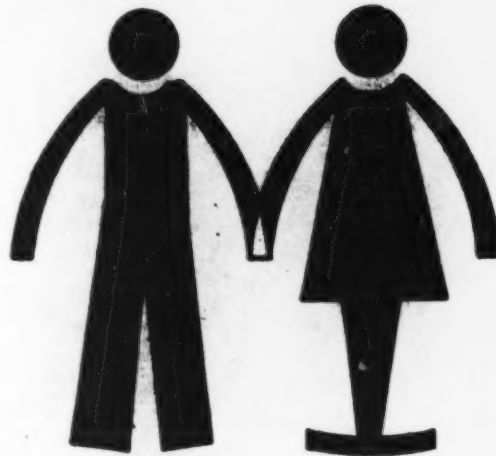
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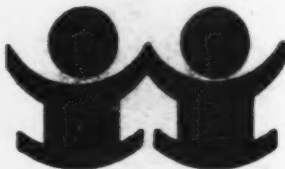
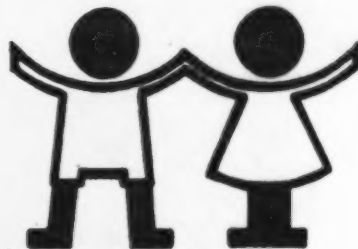
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Access Disputes and the Effects on Children

Emilia Renouf

INTRODUCTION

Access or visiting has been defined by the legal system as the right of the non-custodial parent to a post-separation relationship with the children. Some psychiatrists and developmental psychologists and behavioural scientists in general, define it as the responsibility of the parent/s towards their children.

The number of children involved in divorce in Australia is between fifty two and fifty three thousand a year. 61% of divorcing couples have children with an average of 1.9 children per couple. To put it in yet another way, one in five Australian children experiences family break-up.

Access problems and/or disputes have been variously described as bereavement (Smiley & Morrison, 1978), as the last battle of the marital war (Woody, 1978), and as an expression of continued family dysfunction (Rickarby, 1981). Their prevalence among applications in Family Court Registries is of the order of 43.1% for fathers and of 31.8% for mothers. Attempts at conciliation of both the legal and the voluntarily referred clients involved in access disputes consumes the larger portion of face-to-face counselling in court-connected services (Bordow, 1983).

The psychiatric view of access is that it is a situation which gives rise to separation anxiety on the part of the child. Chase (1983) considers that each access visit brings with it pre-visitation anxiety and post-visitation depression in the child. He defines pre-visitation anxiety as a continuum of intensity, with excitement mild anxiety/pleasure at one extreme and frank phobia at the other; the extremes of post-visitation depression can be described as mild dysphoria at one end and as an internal "tearing up" at the other, because of the loss of the illusion of symbiosis or fusion with the primary parent. Questions like "will I be able to come back to the custodian", "how much will I mourn that which I know I cannot permanently have" take shape in the child's mind at the time of access.

The behavioural scientist or psychosocial view is that children are helped to adjust to the divorce, and access becomes a positive experience when a comfortable relationship exists between the parents and the child/ren and each parent. Kelly (1980) insists that the custodial parent should give full recognition and acceptance to the child's need for the relationship with the non-custodial parent and that the non-custodial parent should demonstrate interest and investment in maintaining the relationship.

In the light of what is known about the effects of parental discord on children (Rutter, 1970, 1980; Emery, 1982; Porter, 1980; Kaplan, 1980; Renouf, 1984), court-involvement in access problems is related to the controversy over the value of access, i.e., what is more damaging to the child, the loss of the non-custodial parent or the continuing parental discord? Suspension or refusal of access by the Family Court of Australia is still rare and in practice only 10% of children whose parent/s engaged in varying degrees of post-separation conflict were found not to have access (Weir, *et al*, 1983).

What are the Problem Areas in Access?

A Family Court study of conciliation conferences (Bordow, 1983) revealed a number of problem areas related to access. Some of these areas presented much more frequently than others and there were gender-related differences in the prevalence of types of access application. The areas were as follows:

A major area in which the applicants were mostly fathers, dealt with two types of problem. The first concerned the with-holding of access by the care and control parent, and the second focussed on differences of opinion as to the appropriate frequency and duration of access during the school year and holiday periods.

A medium area of lesser frequency but where both mother and father were equally active, covered differences as to whether access should include overnight stays and raised problems concerning the presence of significant figures other than the parent involved, such as new partners, grandparents, etc. Also included were problems where children were reported as sick, or as having previous commitments, thus not being made available. In addition there were instances cited of children being upset either before or after the visit - for instance, becoming cheeky or refusing to eat.

A minor area in which mothers were more likely to be the applicant dealt with transportation to and from access and covered such questions as who would do the driving, whose car would be used and who would pay. Other problems in this area concerned pick up times, with father frequently quoted as usually late for both pick up and the return of children. A related issue was the failure of the access parent to turn up, not ringing to cancel or skipping access for long periods. Children's refusals and the reasons they gave for finding access unacceptable also appeared in this area.

On the whole, fathers were concerned with obtaining, maintaining and increasing their visiting time; mothers were concerned about the location and timing, i.e. where father took the child/ren, in whose presence, etc. and the quality of access. Moreover, mothers made a big thing of the statement by the child or children that they did not wish to go on access (Renouf, 1984).

Gardner (1976) analyses access problems in terms of the point at which they are expressed and who are the main actors.

His analysis covers pre-visit games, visit problems and post-visit problems.

1. As examples of pre-visit games, where the care and control parent has the leading role he mentions:
 - a) undermining the child's desire by offering attractive alternatives;
 - b) expressing or conveying fearfulness about the visit;
 - c) planning a money/visit argument, i.e. making access conditional on the payment of money.

2. Examples of problems relating to the actual visit include:
 - a) unplanned visits by the non-custodial parent;
 - b) over-rigidity by either spouse in the handling or observation of arrangements;
 - c) the insider vs. outsider syndrome i.e. we get along fine when left alone, he always causes trouble;
 - d) unreliability of visits, i.e. he has not shown up for months, how do we know he is coming?
3. As examples of post-visit problems he offers:
 - a) an unmanageable child, i.e. cheeky, withdrawn, etc.;
 - b) parents offering contradictory interpretations of the child's behaviour i.e. he/she is not eating because of too much junk food or because he/she is withdrawn and sad;
 - c) parents reaching the wrong conclusions as to how to remedy the situation. i.e. the child is better off stopping access altogether, or, if access periods were longer he/she would have time to settle down better.

Children's Reactions to Parental Separation

Most children react strongly and in similar ways to the separation of their parents. Common feelings are:

1. *Intense worry* at what is going to happen. Children have difficulty in reaching a balanced understanding of the issues that led to the parental decision and will worry about:
 - both parents and how they will manage
 - having only one parent to take care of them
 - what will happen if that parent gets sick or depressed
 - the economic and physical changes
 - being displaced by new relationships.
2. *Feelings of rejection.* Children of separating parents feel rejected
 - by the departure of one parent from home
 - by what is, or what is perceived to be, diminished interest in them
 - by the parent's pre-occupation with their own feelings
3. *Anxiety and confusion* which stem from
 - the child's vulnerability because his/her competence and sense of control are not yet fully developed
 - uncertainty about the future relationship with the absent parent.
4. *Feelings of loss*
 - about the disintegration of the family unit. This sense of loss will be denied initially with fantasies of reconciliation.
5. *Feelings of loneliness*
 - because of intense yearning for the presence of the absent parent.

6. *Tension*

- because of the inner conflict experienced, i.e. a conflict of loyalties and the fear it engenders that a step towards one parent will be considered a betrayal by the other.

7. *Feelings of anger.* Children's anger about separation is multifaceted and may reflect the fact that

- the child is using the parents' anger at each other as a model for his/her own behaviour
- he/she is judging the parents' behaviour as immoral or unjust
- he/she resents the selfishness of the parents and their destruction of the family home.

Age-related Reactions of Children to Parental Absence

Younger children long for father openly and without rancour; older children (9 years and above) mask their yearning with rancour and anger. In later years, there is not so much anger as bitterness towards the absent parent.

Lack of contact provides a breeding ground for exaggerated and unrealistic fantasies. Within such a context it may be hard for the absent parent to establish a relationship, particularly since it is constrained by time and space. The older or early adolescent child may feel disappointed with the visit and react with rejection of the parent who may then withdraw because he/she cannot cope with the child's negative feelings.

The effects of parental absence will depend on the degree of absence, the quality of parent/child relationship pre-divorce and the quality of post-divorce relationship between the access and custodial parent (Kelly, 1980; Santrock, 1975). According to Rutter (1978) boys of primary school age are more affected by father's absence than girls, and visit more with father (Kelly, 1977b). Mother's absence, however, has to date not been as extensively researched as father's. Wallerstein (1980) found that during the first two years of separation there was a link between the child's poor academic functioning and depression and infrequent visiting.

Effects of access disputes

Even when both parents work out a satisfactory agreement, access causes the child loss of friends and programmed activities, restriction and lack of flexibility in making plans, hours spent travelling to see the absent parent, etc. In addition to the conflict of loyalties, the child experiences a conflict of interests and demands; this is particularly so in early adolescents.

Why children say what they say in access disputes

Children perceive the situations that affect them in different ways according to their feelings at the time, and they make statements which are based on these feelings. Some common bases for their statements are listed below.

1. They feel intimidated and threatened
2. They fear or experience withdrawal of love
3. They feel guilty or compassionate
4. They have been "bought off" either covertly or overtly by parents
5. One or both parents promises to change
6. The children lack experience in dealing with such an emotionally charged situation
7. They are taking revenge for the hurt done to them
8. They are unable to withstand the conflict of loyalties
9. They are motivated by a sense of justice
10. Children see that they may gain individually by making certain statements.

Access Arrangements: how they are worked out

Separation/divorce constitutes a crisis in family living and as such has the potential for placing the child at risk. Like all crises, however, it can have both positive and negative outcomes and different children in the family may react differently.

Parental separation (except where the relationship between the parents has been violent) seldom engenders approval or relief in the children. The physical separation is followed by a long period of transitions characterized by disorganization, instability and change. In most cases parents do not sit down and jointly plan their separation, and even when they do the children are generally excluded from the planning.

The arrangements which the parents make for the post-separation period are shaped more by their own emotional needs than by those of their children. In determining visiting arrangements, the parental attitude towards the divorce takes precedence over the needs of the children. But it is the children's attitudes towards the divorce which determines what they will feel and think about access; it is these attitudes that are so greatly influenced by how the parents handle the situation and by how they regard and treat each other.

Access Arrangements suitable for children of differing ages

As children grow and develop, their changing needs determine the sort of access arrangements which suit them best. The most satisfactory access arrangements for children of various age groups could be as follows:

For babies and infants: Children up to the age of two are at the pre-social, symbiotic stage. Their dependence upon the one who has been the primary caretaker is crucially important and should not be changed unless there are extraordinary reasons for this. Separation from that person can be extremely upsetting even for short periods. Access arrangements for children under 2 work best in the presence of the other parent, if that is at all possible.

For pre-schoolers: Children between two and four years old are very vulnerable to loss and likely to regress. They are impulsive and self-protective and may interpret the other parent's wish to see them as a wish to take them away from mother. Overnight or block access (several days at a time) is not recommended at this stage of development unless other siblings are accompanying the young child on the visit or the child is going to familiar surroundings. Short and frequent contact is the best.

For school age children: Six to twelve year olds can cope with more flexible arrangements. Sleeping over in each parent's home helps them feel at home with both parents. The young school child may need special reassurance that he/she did not cause the separation. This feeling of being to blame is quite common in children between four and six years old. School age children benefit when both parents are interested and involved in their education and when both participate in school activities. Because of their strong feeling of justice and the pangs of their own conscience, they like "just decisions" like half of the school holidays with each parent or May holidays with one and August with the other, and they adapt well to fortnightly or weekend overnight stays provided they are given permission to love both parents and other people who are good to them.

For adolescents: Young people between twelve and eighteen years old can usually stay out of their parents' fights and, because they are better individuated, can avoid loyalty conflicts. To fit in with their drive towards independence they must be allowed privacy, time for activities with their peers and some flexibility to alter arrangements. Moreover, they must be freed from overwhelming responsibility for major family decisions, while continuing to receive guidance from parents in terms of rules and standards for their behaviour. Adolescents are helped by maintaining ongoing contact with both parents so that they can experience each parents' strengths and weaknesses. They respond well to parents who do not constantly lean on them for moral support and who do not act like pals.

CONCLUSION

Children of all ages need to know that neither parent will abandon them and that some family life with each other will continue after separation. The amount of family life may change over time, as may the nature of the primary caretaker.

It is the factors associated with the *process* of divorce and how this impacts on the divorcing parents, that have a central influence on the visiting pattern that evolves and on the subsequent adjustment of the children.

*Based on a seminar presented at the
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NSW, Australia, April 1985.*

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